

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Christopher Payne

Case: 2:23-mj-30276
Case No. Assigned To : Unassigned
Assign. Date : 7/1/2023
CMP USA V PAYNE (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 30, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Felon in Possession of a Firearm

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

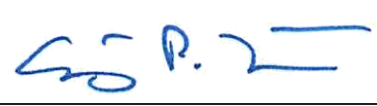
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 1, 2023

City and state: Detroit, Michigan


Complainant's signature

Matthew Totten, Special Agent, ATF
Printed name and title


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Matthew Totten, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since March of 2020. Prior to the ATF, I was a Michigan State Police Trooper for approximately six years. I have been involved in numerous investigations into the unlawful use and possession of firearms, to include felons being in the possession of a firearm.

2. I make this affidavit from personal knowledge based on my participation in this investigation. My information comes from my review of police reports and MDOC information; witnesses interviewed by law enforcement; my communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

3. This affidavit is for the limited purpose of establishing probable cause that Christopher PAYNE (DOB: xx/xx/1980) has violated 18 U.S.C. § 922(g)(1), being a felon in possession of a firearm, and does not contain all details or facts known to law enforcement related to this investigation.

II. PROBABLE CAUSE

4. I reviewed a computerized criminal history and Michigan Department of Corrections records for PAYNE, which revealed the following felony convictions, among several others:

- a. 2019: felony convictions for weapons – carrying concealed and weapons – firearm, possession by a felon. Sentenced to 2-15 years in prison;
- b. 2012: felony conviction for weapons – firearm, possession by a felon. Sentenced to 3 years 6 months – 10 years in prison;
- c. 2005: felony conviction for uttering and publishing, attempt. Sentenced to 1-5 years in prison; and
- d. 2005: felony conviction for weapons – felony firearm. Sentenced to 2 years in prison;
 - i. Because PAYNE has been convicted of multiple felony offenses, has been sentenced to a significant period of incarceration as a result of those convictions, and was sentenced for a felony as recently as 2019, there is probable cause to believe that PAYNE is aware of his status as a convicted felon.

5. On June 30, 2023, at approximately 9:22 p.m., Detroit Police officers driving back to the Eighth Precinct heard multiple shots fired nearby. Officers drove towards the gunshots and saw a man in a blue shirt later identified as Christopher PAYNE standing in an alley, holding a black firearm, and firing it. They could hear other gunfire in the area as well.

6. Officers activated their overhead lights and drove towards PAYNE. He then put the firearm behind his back and began running. Officers drew their weapons and began chasing PAYNE, ordering him to stop. PAYNE initially refused to stop. Ultimately, one officer saw PAYNE drop a firearm. He was then arrested by the officers. The officer who saw PAYNE drop the firearm went back and recovered it, a black 9mm, Ruger P95D handgun, along with a silver magazine fitting the firearm found nearby. Officers went back to where they initially saw PAYNE firing the weapon and recovered nine 9mm shell casings.

7. On July 1, 2023, I contacted ATF Interstate Nexus Expert, Special Agent Mike Jacobs and provided a verbal description of the Ruger P95D, 9mm handgun recovered by Detroit Police officers on June 30, 2023. SA Jacobs said that the firearm was manufactured outside of the state of Michigan, and therefore has traveled in and affected interstate commerce.

III. CONCLUSION

8. Based upon the facts stated herein, there is probable cause to believe that Christopher PAYNE (DOB: xx/xx/1980), a convicted felon aware of his felony convictions, did knowingly and intentionally possess a Ruger, 9mm handgun, the firearm having affected interstate commerce, in violation of 18 U.S.C. 922(g)(1) (being a felon in possession of a firearm). This violation occurring on or about June 30, 2023, in Detroit, Michigan, in the Eastern District of Michigan.

Respectfully submitted,



Matthew Totten
Special Agent, ATF

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. Anthony P. Patti
United States Magistrate Judge

Dated: July 1, 2023